<u>Forest Land-Thane</u>
Diversion of 0.0399 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Road for approaching Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva- Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane in the State of Maharashtra.

Government of Maharashtra
Revenue and Forest Department
Government Order No.: FLD-1923/CR.134/F-10
Mantralaya, Mumbai-400 032
Date:- 30.05.2023

<u>Reference:-</u>

Additional Principal Chief Conservator of Forests & Nodal Officer, Nagpur Letter No. Desk-17/ Nodal / Thane /I.D-13773(79)/3452/2022-23, Dt.15.03.2023.

<u>Preamble:-</u>

The Executive Engineer, Multistoried Building Division, Chembur has submitted proposal for diversion of 0.0399 ha. forest land under section 2 of the Forest (Conservation) Act, 1980 for construction Road for approaching Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva- Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane to the State Forest Department. APCCF & Nodal Officer has submitted this proposal to Government of Maharashtra vide letter under referred above.

<u>Order:-</u>

In exercise of powers under general approval granted by MoEF&CC, Govt. of India vide Handbook of FCA Guidelines-2019 (Chapter-4, Para. 4.3), Government of Maharashtra is pleased to grant '**In-Principle**' approval for diversion of 0.0399 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 construction of Road for approaching Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva- Vasai Section Railway line at Kharbao, Tal. Bhiwandi, Dist. Thane in the State of Maharashtra.

2. The details of Forest Land proposed for diversion are as under:-

Sr. No.	Item work purpose	District	Taluka	Name of Village	Survey / Gut /CTSNo.	Length & Width	Area (in ha)	Legal Status
1	Construction of Road for approaching Railway over bridge in lieu of level crossing 6 at Railway Km 63/400 on Diva-Vasai Section Railway line	Thane	Bhiwandi	Kharbao	257pt.	28.5 x 14	0.0399	**Protected Forest**
Total Forest Land (in ha.)							**0.0399**	

3. This 'In-Principle' approval is subject to the following conditions-

1) Legal status of the land shall remain unchanged.
2) User Agency and Concerned Forest Officers shall submit revised documents (Part-I, Part-II, Part-III, Joint Inspection Report, Certificates of Deputy Conservator of Forests, Project Note, Record of Rights of Proposed land & Other supporting documents), along with Stage-I compliance, as work purpose is mentioned as Construction of Railway over bridge in these documents. It should be Road for approaching RoB.
3) Deputy Conservator of Forests shall ensure that less than 10 trees will be felled in the implementation of the project.
4) User Agency shall submit the Record of Rights of CA land at Village-Lakhiwali, Tal. Bhiwandi, Dist. Thane (Survey No. 158), along with Stage-I compliance.
5) **Compensatory Afforestation:-**
   a) Compensatory Afforestation shall be taken up by the Forest Department over 1.00 ha. degraded Forest land as Reserved Forest land in Survey No. 158 at Village-Lakhiwali, Tal. Bhiwandi, Dist. Thane at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

   b) The cost of Compensatory Afforestation at the prevailing wage rates as per Compensatory Afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
6) **Net Present Value:-**
   a) The Forest Department shall charge the Net Present Value (NPV) for the 0.840 ha. Forest land to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 & File No.5-3/2011-FC(Vol-I), Dated 06/01/2022 in this regard.

   b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged from the User Agency. The User Agency shall furnish an undertaking to this effect.
7) All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal(*http://parivesh.nic.in/*)

8) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9) User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10) The layout plan of the proposal shall not be changed without prior approval of State Government (Forest Department).
11) No labour camp shall be established on the Forest land.
12) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Deputy Conservator of Forests.
14) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16) The forest land shall not be used for any purpose other than that specified in the project proposal.
17) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of the State and Central Government.
18) Any other condition that the Ministry of Environment, Forests & Climate Change or State Government may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
19) This approval shall be valid only for the diversion of forest land outside the confines of the Protected Areas.
20) This sanction is subject to the final clearance by the competent authorities for the project.
21) The User Agency shall compensate the private owners of forest land if any, in accordance with the prevalent laws, rules & guidelines.
22) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied by the User Agency.
23) The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/)
24) All the conditions stipulated by the Forest Department shall be binding on User Agency.
25) Final approval shall be accorded by the State Government, after compliance conditions in this order.
26) Any breach of the conditions by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980 and action will be taken accordingly.

4. This Government Order is available at the Government of Maharashtra's website www.maharashtra.gov.in with reference No. 202305301456074419. This Order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

GANESH TUKARAM JADHAO

Digitally signed by GANESH TUKARAM JADHAO
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=REVENUE AND FOREST DEPARTMENT, postalCode=400032, st=Maharashtra, 2.5.4.20=0078f58512d3ac01315bbbfa4b473ed7729dd2d31644106e2966ab9ee6e92d7d, pseudonym=9511E397949CD516110AD2C5719C064356E8E6EF, serialNumber=6FEEDE606678D569A76B842319BD1C2969AA85BBA5CDCCEE147249F17965E8BB, cn=GANESH TUKARAM JADHAO
Date: 2023.05.30 14:56:30 +05'30'

(Ganesh Jadhao)
Under Secretary to the Government of Maharashtra

Copy to:-

1. Secretary, Ministry of Environment, Forests & Climate Change, Government of India, New Delhi.
2. Regional Officer (Central), Integrated Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur.
3. Principal Chief Conservator of Forests (Head of Forest Force), MS, Nagpur
4. Additional Principal Chief Conservator of Forests & Nodal Officer, Nagpur
5. Principal Chief Conservator of Forests & CEO (Maha-CAMPA), Nagpur
6. Additional Principal Chief Conservator of Forests (Conservation), Nagpur
7. Chief Conservator of Forests (T), Thane.
8. Deputy Conservator of Forest, Thane.
9. Executive Engineer, Multistoried Building Division, Chembur.
10. Select File-F-10.